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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,656	02/01/2002	Rajasekhar Abburi	MS#183195.1 (MSFT4967)	1819
321	7590	02/13/2004	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,656

Applicant(s)

ABBURI, RAJASEKHAR

Examiner

Gerald Gauthier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37,47-50 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37,47-50 and 55-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 18-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Bergsman et al. (US 5,568,539).

Regarding **claim 18**, Bergsman discloses an interactive telephonic message delivery apparatus for providing an intended recipient of a voice audio message (column 1, lines 11-15), (which reads on claimed “an apparatus for recording and sending audio messages to an interactive voice response system (300 on FIG. 3) coupled to a communications network (355 on FIG. 3) for delivery to one or more remote devices”), the apparatus comprising:

a processor (310 on FIG. 3), a memory device (305 on FIG. 3), computer instructions (325 on FIG. 3) stored in the memory device, a microphone (350 on FIG. 3), and an interface (320 on FIG. 3) to a communications network (355 on FIG. 3),

the computer instructions configuring the processor to record in an audio file (column 8, line 12 “creating audio voice messages), in response to input from a user (column 8, line 14 “to enable callers”), an audio message (column 8, line 12 “creating

audio voice messages) provided by the user to the microphone, and to transfer the audio file in which the audio message is recorded to the communications network via said interface (column 8, lines 3-18) [The computer system enables callers to create audio voice messages and creates administrative control to deliver the messages],

whereby the audio message recorded in the audio file may be transmitted through the communications network for delivery to said one or more remote devices (column 8, lines 31-42) [The computer system executes the instructions to convert the digital signals in audio signals that it supplies to the user].

Regarding **claim 19**, Bergsman discloses wherein the computer instructions configure the processor to compress the audio file prior to transferring the audio file to the communications network via said interface (column 3, lines 1-12).

Regarding **claim 20**, Bergsman discloses restricting a length of each voice message to less than one minute (column 4, lines 63-67).

Regarding **claim 21**, Bergsman discloses wherein the input from the user includes information identifying one or more individuals to whom the audio message should be sent, and wherein the computer instructions configure the processor to record said information in the audio file (column 3, lines 1-12).

Regarding **claim 22**, Bergsman discloses wherein the computer instructions configure the processor to record information identifying said user in the audio file (column 3, lines 1-12).

Regarding **claim 23**, Bergsman discloses wherein the apparatus is a telephony device, and wherein the communications network includes a telephony network (column 8, lines 3-18).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-17 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman in view of Picard et al. (US 6,233,318) and in further view of Groner (US 6,507,643).

Regarding **claim 1**, Bergsman discloses an interactive telephonic message delivery method for providing an intended recipient of a voice audio message (column 1, lines 11-15), (which reads on claimed "a method of using an interactive voice response system and a computer server (300 on FIG. 3) connected to a communications network (355 on FIG. 3) to support voice messaging between individuals accessible through telephone devices located on the network"), the method comprising:

receiving a plurality of voice messages (column 3, line 1 "audio voice messages") from remote users of devices located on the network, each received voice message including information (column 3, line 4 "a specific phone number") identifying at least one intended recipient (column 2, line 63 to column 3, line 12) [The interactive message delivery system receives the audio messages with a specific phone number of a particular recipient];

notifying the intended recipients of the received voice messages according to their respective user profiles (column 3, lines 1-12) [The interactive message delivery system contacts the intended recipient and provides options for processing the messages]; and

delivering the received voice messages to their intended recipients in audio form (column 5, line 42 "voice message"), including delivering at least one of the received voice messages to its intended recipient in audio form using the IVR system and a telephone device specified in the user profile of the intended recipient (column 5, lines 39-67) [The interactive message delivery system contacts the intended recipient and provides options for delivering the audio messages].

Bergsman fails to disclose individuals accessible through computer devices and delivering at least one other of the received voice messages.

However, Picard teaches individuals accessible through computer devices located on the network (column 5, lines 4-21) [The subscriber uses a personal computer to access the messages]; and

delivering at least one other of the received voice messages to its intended recipient in audio (column 6, line 52 "spoken message") form using the computer server and a computer device (60 on FIG. 1) of the intended recipient (column 9, lines 28-39) [The subscriber receives from the integrated messaging system the voice data at the audio occurring in the personal computer].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the integrated messaging system of Picard in the invention of Bergsman.

The modification of the invention would offer the capability of individuals accessible through computer devices and delivering at least one other of the received voice messages such as the system would allow a subscriber to access stored messages over the telephone and the computer for organizing group list administration of the messages.

Bergsman and Picard fail to disclose accessing a user profile for its intended recipient.

However, Groner teaches for each received voice message, accessing a user profile for its intended recipient, said user profile specifying one or more communication

devices located on the network by which such intended recipient should receive delivery or notification of voice messages directed to such intended recipient, said communication devices including at least one of a telephone device (column 9, lines 30-39) [The dialog manager determined from the subscriber profile where the subscriber always receive messages left by callers].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the dialog manager of Groner in the invention of Bergsman and Picard.

The modification of the invention would offer the capability of accessing a user profile for its intended recipient such as the system would generate a text message from the audio message for sending the messages to the recipient.

Regarding **claim 2**, Bergsman discloses wherein delivering includes audio streaming the received voice messages to their intended recipients using the IVR system and the computer server (column 5, lines 14-37).

Regarding **claim 3**, Bergsman discloses wherein delivering includes delivering one of the received voice messages to its intended recipient through the communication device specified by such intended recipient in response to the notifying (column 3, lines 13-33).

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Regarding **claim 4**, Bergsman discloses wherein notifying includes sending electronic messages to a plurality of the intended recipients, the electronic messages including hyperlinks to corresponding ones of the stored voice messages, whereby the plurality of intended recipients can initiate the delivering of associated voice messages by selecting the hyperlinks (column 4, lines 26-45).

Regarding **claim 5**, Bergsman discloses wherein said electronic messages include pop-up text messages (column 4, lines 11-25).

Regarding **claim 6**, Bergsman discloses wherein receiving includes receiving prerecorded voice messages from the remote users (column 2, lines 63-67).

Regarding **claim 7**, Bergsman discloses storing the received voice messages (column 3, lines 1-12).

Regarding **claim 8**, Bergsman discloses restricting a length of each voice message to less than one minute (column 4, lines 63-67).

Regarding **claim 9**, Bergsman discloses wherein at least one of the voice messages is received together with information for addressing the communication device associated with its intended recipient, the method further comprising delivering said one of the voice messages to its intended recipient using the information for addressing said communication device (column 4, lines 46-62).

Regarding **claim 10**, Bergsman discloses providing delivery confirmation to senders of the delivered voice messages (column 7, lines 49-67).

Regarding **claim 11**, Bergsman discloses wherein the communications network comprises a telecommunications network to which the IVR system is connected and a widely distributed computer network to which the computer server is connected, said IVR system and said computer server being connected to each other, and wherein the telephone devices are located on the telecommunications network and the computer devices are located on the widely distributed computer network (column 8, lines 3-18).

Regarding **claim 12**, Bergsman discloses receiving information via the computer server from a remote user of a computer device located on the widely distributed computer network, the received information indicating said remote user's desire to record a voice message using a telephone device located on the telecommunications network, and contacting such telephone device via the IVR system to capture such voice message (column 8, lines 3-18).

Regarding **claim 13**, Bergsman discloses supporting an instant text messaging option by which individuals having a presence on the widely distributed computer network at the same time can send pop-up text messages to one another through the widely distributed computer network (column 4, lines 26-45).

Regarding **claim 14**, Bergsman discloses wherein notifying includes determining whether an intended recipient of one of the received voice messages has a presence on the widely distributed computer network at a particular time and, if so, contemporaneously sending a pop-up text message to such intended recipient, the pop-up text message notifying such intended recipient of said one of the received voice messages (column 4, lines 26-45).

Regarding **claim 15**, Bergsman discloses wherein receiving voice messages via the IVR system includes receiving a telephone call via the IVR system from a user having a predefined group of contacts, determining whether said contacts currently have a presence on the widely distributed computer network, and advising the user via the IVR system regarding which of said contacts currently have a presence on the widely distributed computer network (column 8, lines 3-18).

Regarding **claim 16**, Bergsman discloses automatically generating a voice message upon an occurrence of a predefined event, and delivering the automatically generated voice message to one or more of the remote users (column 8, lines 19-29).

Regarding **claim 17**, Bergsman discloses computer-readable medium having computer-executable instructions for performing the method (column 8, lines 3-18).

Regarding **claim 27**, Groner teaches wherein the computer device is a handheld computer device (44 on FIG. 1).

5. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman in view of Angus (US 6,538,561).

Regarding **claim 24**, Bergsman as applied to claim 18, differs from claim 24, in that it fails to disclose a wireless telephony network.

However, Angus teaches wherein the telephony device is a mobile telephony device, and wherein the telephony network is a wireless telephony network (column 4, lines 1-10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the wireless messaging system of Angus in the invention of Bergsman.

The modification of the invention would offer the capability of a wireless telephony network such as the system would generate a wireless message from a mobile source station.

6. **Claims 25-26, 28-37, 47-50 and 55-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman in view of Picard.

Regarding **claim 25**, Picard teaches wherein the apparatus is a computer device, and wherein the communications network includes a computer network (column 9, lines 28-39).

Regarding **claim 26**, Picard teaches wherein the computer network is the Internet (112 on FIG. 4).

Regarding **claim 28**, Bergsman discloses an interactive telephonic message delivery method for providing an intended recipient of a voice audio message (column 1, lines 11-15), (which reads on claimed "a method for recording and sending an audio message to an interactive voice response system (300 on FIG. 3) coupled to a communications network (355 on FIG. 3) for delivery to one or more remote devices using a device (350 on FIG. 3) having a microphone and a network interface"), the method comprising:

receiving the audio message (column 3, line 1 "audio voice messages") from a user through the microphone (column 2, line 63 to column 3, line 12) [The interactive message delivery system receives the audio messages with a specific phone number of a particular recipient];

recording the received audio message in an audio file (column 3, lines 1-12) [The interactive message delivery system store the audio messages for delivery to a particular recipient]; and

sending the audio file to the network interface for delivery to said one or more remote devices through a communications network (column 5, lines 39-67) [The interactive message delivery system contacts the intended recipient and provides options for delivering the audio messages].

Bergsman fails to disclose individuals accessible through computer devices.

However, Picard teaches individuals accessible through computer devices located on the network (column 5, lines 4-21) [The subscriber uses a personal computer to access the messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the integrated messaging system of Picard in the invention of Bergsman.

The modification of the invention would offer the capability of individuals accessible through computer devices such as the system would allows a subscriber to access stored messages over the telephone and the computer for organizing group list administration of the messages.

Regarding **claim 29**, Bergsman discloses wherein recording includes recording the audio message in the audio file as the audio message is received (column 2, lines 64-67).

Regarding **claim 30**, Bergsman discloses wherein the audio message is a message spoken by the user (column 3, lines 1-12).

Regarding **claim 31**, Bergsman discloses compressing the audio file prior to sending (column 3, lines 1-12).

Regarding **claim 32**, Bergsman discloses wherein the computer instructions configure the processor to record information identifying said user in the audio file (column 3, lines 1-12).

Regarding **claim 33**, Bergsman discloses providing the user with a list of individuals to whom the audio message may be sent, and wherein receiving information includes receiving one or more selections by the user from said list (column 3, lines 13-33).

Regarding **claim 34**, Bergsman discloses supporting instant text messaging between said user and the individuals of said list (column 3, lines 13-33).

Regarding **claim 35**, Bergsman discloses a computer-readable medium having computer-executable instructions for performing the method (column 8, lines 3-18).

Regarding **claim 36**, Bergsman discloses wherein receiving information includes receiving information for addressing one or more devices associated with said one or more individuals (column 8, lines 3-18).

Regarding **claims 37, 50 and 58**, Bergsman discloses computer-readable medium having computer-executable instructions for performing the method (column 8, lines 3-18).

Regarding **claim 47**, Bergsman discloses an interactive telephonic message delivery method for providing an intended recipient of a voice audio message (column 1, lines 11-15), (which reads on claimed "a method") comprising:

receiving a voice message (column 3, line 1 "audio voice messages") on behalf of an intended recipient (column 2, line 63 to column 3, line 12) [The interactive message delivery system receives the audio messages with a specific phone number of a particular recipient];

storing the received voice message (column 3, lines 1-12) [The interactive message delivery system store the audio messages for delivery to a particular recipient].

Bergsman fails to disclose an electronic message to the intended recipient.

However, Picard teaches sending an electronic message to the intended recipient, the electronic message including a hyperlink to the stored voice message, whereby the intended recipient can retrieve the stored voice message by selecting the

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hyperlink (column 9, lines 28-67) [The subscriber uses a personal computer to access the messages and receives an email with an hyperlink].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the integrated messaging system of Picard in the invention of Bergsman.

The modification of the invention would offer the capability of an electronic message to the intended recipient such as the system would allow a subscriber to access stored messages over the telephone and the computer for organizing group list administration of the messages.

Regarding **claim 48**, Bergsman discloses automatically generating the voice message upon occurrence of a predefined event (column 3, lines 13-33).

Regarding **claim 49**, Bergsman discloses receiving information from the intended recipient specifying a device through which the intended recipient desires to receive the voice message, contacting the device specified by the user, and delivering the voice message to the intended recipient through the specified device (column 4, lines 26-45).

Regarding **claim 55**, Bergsman discloses an interactive telephonic message delivery method for providing an intended recipient of a voice audio message (column 1, lines 11-15), (which reads on claimed "a method") comprising:

receiving information from a first device (350 on FIG. 3) associated with a user indicating the user's desire to record and send an audio message (column 2, line 63 to column 3, line 12) [The interactive message delivery system receives the audio messages with a specific phone number of a particular recipient].

Bergsman fails to disclose contacting the user via a second device and receiving the audio message from the user via the second device.

However, Picard teaches contacting the user via a second device associated with the user (column 8, lines 21-31) [The system indicates to the subscriber the type of device to be used]; and

receiving the audio message from the user via the second device (column 8, lines 32-41) [The system receives the message from multiple devices having capabilities of video, text and e-mail messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the integrated messaging system of Picard in the invention of Bergsman.

The modification of the invention would offer the capability of contacting the user via a second device and receiving the audio message from the user via the second device such as the system would allow a subscriber to access stored messages over the telephone and the computer for organizing group list administration of the messages.

Regarding **claim 56**, Picard teaches wherein the first device is of a first device type and the second device is of a second device type different than the first device type (column 8, lines 32-41).

Regarding **claim 57**, Picard teaches wherein the first device type is a computer device, and wherein the second device type is a telephone device (column 8, lines 32-41).

Response to Arguments

7. Applicant's arguments with respect to **claims 1-37, 47-50 and 55-58** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cave et al. is cited for a method for statistical diagnosis (FIG. 1).

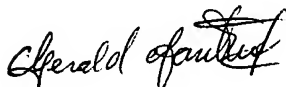
Katseff et al. is cited for a system for allowing access to traditional voice mail (FIG. 2).

Contractor is cited for transferring voice mail messages to a data network (FIG. 1).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.


g.g.
January 29, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
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